

# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))



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TECH CENTER 1600/2900  
MAY 24 2002

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Address to:  Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No. of Prior Application	MERCK-1900
	First Named Inventor	BUCHHOLZ ET AL.
	Examiner Name	S. SHARAREH
	Group / Art Unit	1617
	Express Mail Label No.	

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/349,713  
filed on JULY 8, 1999, entitled FORMULATIONS HAVING AN ANTIVIRAL ACTION.

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form.  
Provide credit card information and authorization on PTO-2038.

- 55
1. ☒ Enter the unentered amendment previously filed on APRIL 19, 2002 under 37 CFR 1.116 in the prior nonprovisional application
  2. ☐ A preliminary amendment is enclosed.
  3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
    - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_  
\_\_\_\_\_
    - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
  4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
  5. ☐ Information Disclosure Statement (IDS) is enclosed:
    - a. ☐ PTO-1449
    - b. ☐ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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740.00 OP

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))		-20* =		x \$ _____ =	\$
INDEPENDENT CLAIMS 37 CFR 1.16(b) or (i))		-3** =		x \$ _____ =	
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				x \$ _____ =	
				BASIC FEE (37 CFR 1.16)	740
				Total of above Calculations =	
				Reduction by 50% for filing by small entity (Note 37 CFR 1.27).	
				* <i>Reissue claims in excess of 20 and over original patent.</i>	
				** <i>Reissue independent claims over original patent.</i>	
				TOTAL =	740

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 13 - 3402 :
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☒ Fees required under 37 CFR 1.18.
8. ☒ A check in the amount of \$ 740 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(l) enclosed).
11. ☐ New Attorney Docket Number, if desired  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☐ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other: \_\_\_\_\_

**NOTE:**

The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.

**12. NEW CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

23599

PATENT TRADEMARK OFFICE

or ☐ New correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

**13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)

John A. Sopp

Signature

Registration No. (Attorney/Agent)

33,103

Date

May 22, 2002



CPA/1617

PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 850

Complete if Known

Application Number	09/349,713
Filing Date	July 8, 1999
First Named Inventor	H. BUCHHOLZ et al.
Examiner Name	S.J. SHARAREH
Group / Art Unit	1617
Attorney Docket No.	MERCK 1900

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<b>METHOD OF PAYMENT (check one)</b>		<b>FEE CALCULATION (continued)</b>	
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:		<b>3. ADDITIONAL FEES</b>	
Deposit Account Number	13-3402	Fee Code	Fee Description
Deposit Account Name	Millen, White, Zelano & Branigan, P.C.	Large Entity Fee (\$)	Small Entity Fee (\$)
<input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17		105	130
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		127	50
2. <input checked="" type="checkbox"/> Payment Enclosed:		205	65
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other		139	130
		147	2,520
		112	920*
		113	1,840*
		115	110
		116	400
		117	920
		118	1,440
		128	1,960
		119	320
		120	320
		121	280
		138	1,510
		140	110
		141	1,280
		142	1,280
		143	460
		144	620
		122	130
		123	130
		126	180
		581	40
		146	740
		149	740
		179	740
		169	900
		Other fee (specify) _____	
		*Reduced by Basic Filing Fee Paid	
		SUBTOTAL (3) (\$ 110)	

<b>FEE CALCULATION</b>	
1. BASIC FILING FEE	
Large Entity Fee (\$)	Small Entity Fee (\$)
101	740
106	330
107	510
108	740
114	160
SUBTOTAL (1) (\$ 740)	
2. EXTRA CLAIM FEES	
Total Claims	13
Independent Claims	1
Multiple Dependent	
SUBTOTAL (2) (\$ 0)	

\*\*or number previously paid, if greater; For Reissues, see above

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type)	John A. Sopp	Registration No. Attorney/Agent	33,103
Signature		Telephone	(703) 812-5315
		Date	May 22, 2002

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